

Amendments to the Claims

Claim 1 (Currently amended): A method of reducing the development of resistant pests in a field of transgenic pest resistant crops comprising the steps of:

- a) blending seed of a first transgenic pest resistant crop with seed of a second transgenic pest resistant crop to provide a seed mixture wherein said first pest resistant crop and said second pest resistant crop are pesticidal to the same target pest but through a different mode of pesticidal action; and
- b) planting said seed mixture in a field wherein said seed mixture consists of from about 100% to about [[50%]] 0% of said first transgenic pest resistant crop and of from about 100% to about [[50%]] 0% of said second transgenic pest resistant crop.

Claim 2 (Original): The method of claim 1, wherein said same target pest is ECB.

Claim 3 (Original): The method of claim 1, wherein said same target pest is WCRW.

Claim 4 (Original): The method of claim 1, wherein said different mode of pesticidal action comprises binding without competition to different binding sites in the gut membranes of said same target pest.

Claim 5 (Original): The method of claim 1, further comprising treating said first transgenic pest resistant crop seed and said second transgenic pest resistant crop seed with a pesticidal agent selected from the group consisting of pyrethrins and synthetic pyrethrins, oxadiazines,

chloronicotinyls, nitroguanidines, triazoles, organophosphates, pyrrols, pyrazoles, phenol pyrazoles, diacylhydrazines, biological/fermentation products, and carbamates.

Claim 6 (Original): The method of claim 1 wherein said first transgenic pest resistant crop produces a Cry 1F protein and said second transgenic pest resistant crop produces a Cry 1A(b) protein.

Claim 7 (Original): The method of claim 1 wherein said first transgenic pest resistant crop produces a Cry 34/35 protein and said second transgenic pest resistant crop produces a Cry 3 protein.

Claim 8 (Currently amended): A method of reducing the development of resistant pests in a field of transgenic pest resistant crops comprising the steps of:

- a) blending seed of a first transgenic pest resistant crop which contains one or more transgenes having pesticidal activity against a first target pest wherein said one or more transgenes are pesticidal to said first target pest through different modes of pesticidal action, with seed of a second transgenic pest resistant crop which contains one or more transgenes having pesticidal activity against a second target pest wherein said one or more transgenes are pesticidal to said second target pest through different modes of pesticidal action, to provide a seed mixture wherein said first pest resistant crop and said second pest resistant crop are pesticidal to different target pests; and

- b) planting said seed mixture in a field wherein said seed mixture consists of from about 100% to about ~~[[50%]]~~ 0% of said first transgenic pest resistant crop and of from about 100% to about ~~[[50%]]~~ 0% of said second transgenic pest resistant crop.

Claim 9 (Original): The method of claim 8, wherein said first target pest is ECB.

Claim 10 (Original): The method of claim 8, wherein said second target pest is WCRW.

Claim 11 (Original): The method of claim 8, wherein said different modes of pesticidal action comprises binding without competition to different binding sites in the gut membranes of said first target pest and said second target pest.

Claim 12 (Original): The method of claim 8, further comprising treating said first transgenic pest resistant crop seed and said second transgenic pest resistant crop seed with a pesticidal agent selected from the group consisting of pyrethrins and synthetic pyrethrins, oxadizines, chloronicotinyls, nitroguanidines, triazoles, organophosphates, pyrrols, pyrazoles, phenol pyrazoles, diacylhydrazines, biological/fermentation products, and carbamates.

Claim 13 (Original): The method of claim 8 wherein said first transgenic pest resistant crop produces a Cry IF protein and a Cry IA(b) protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 14 (Original): The method of claim 1, wherein said first transgenic pest resistant crop and said second transgenic pest resistant crop further contains a herbicide resistance gene selected from the group consisting of GAT and EPSPS.

Claim 15 (Original): The method of claim 8, wherein said first transgenic pest resistant crop and said second transgenic pest resistant crop further contains a herbicide resistance gene selected from the group consisting of GAT and EPSPS.

Claim 16 (Currently amended): A method for deploying a transgenic pest resistant refuge crop into a field of a transgenic pest resistant crop comprising the steps of:

- a) blending seed of a transgenic pest resistant refuge crop with seed of a transgenic pest resistant crop to provide a seed mixture wherein said pest resistant refuge crop and said pest resistant crop are pesticidal to the same target pest but through a different mode of pesticidal action; and
- b) planting said seed mixture in a field wherein said seed mixture consists of from about 100% to about [[50%]] 0% of said transgenic pest resistant refuge crop and of from about 100% to about [[50%]] 0% of said transgenic pest resistant crop.

Claim 17 (Original): The method of claim 16, wherein said same target pest is ECB.

Claim 18 (Original): The method of claim 16, wherein said same target pest is WCRW.

Claim 19 (Original): The method of claim 16, wherein said different mode of pesticidal action comprises binding without competition to different binding sites in the gut membranes of said same target pest.

Claim 20 (Original): The method of claim 16, further comprising treating said transgenic pest resistant refuge crop seed and said transgenic pest resistant crop seed with a pesticidal agent selected from the group consisting of pyrethrins and synthetic pyrethrins, oxadizines, chloronicotinyls, nitroguanidines, triazoles, organophosphates, pyrrols, pyrazoles, phenol pyrazoles, diacylhydrazines, biological/fermentation products, and carbamates.

Claim 21 (Original): The method of claim 16, wherein said transgenic pest resistant refuge crop produces a Cry I^F protein and said transgenic pest resistant crop produces a Cry I^A(b) protein.

Claim 22 (Original): The method of claim 16, wherein said transgenic pest resistant refuge crop produces a Cry 34/35 protein and said transgenic pest resistant crop produces a Cry 3 protein.

Claim 23 (Currently amended): A method for deploying a transgenic pest resistant refuge crop into a field of a transgenic pest resistant crop comprising the steps of:

- a) blending seed of a transgenic pest resistant refuge crop which contains one or more transgenes having pesticidal activity against a first target pest wherein said one or more transgenes are pesticidal to said first target pest through different modes of pesticidal action, with seed of a transgenic pest resistant crop which contains one or more transgenes having pesticidal activity against a second target pest wherein said one or more

transgenes are pesticidal to said second target pest through different modes of pesticidal action, to provide a seed mixture wherein said pest resistant refuge crop and said pest resistant crop are pesticidal to different target pests; and

- b) planting said seed mixture in a field wherein said seed mixture consists of from about 100% to about ~~[[50%]]~~ 0% of said transgenic pest resistant refuge crop and of from about 100% to about ~~[[50%]]~~ 0% of said transgenic pest resistant crop.

Claim 24 (Original): The method of claim 23, wherein said first target pest is ECB.

Claim 25 (Original): The method of claim 23, wherein said second target pest is WCRW.

Claim 26 (Original): The method of claim 23, wherein said different modes of pesticidal action comprises binding without competition to different binding sites in the gut membranes of said first target pest and said second target pest.

Claim 27 (Original): The method of claim 23, further comprising treating said first transgenic pest resistant crop seed and said second transgenic pest resistant crop seed with a pesticidal agent selected from the group consisting of pyrethrins and synthetic pyrethrins, oxadizines, chloronicotinyls, nitroguanidines, triazoles, organophosphates, pyrrols, pyrazoles, phenol pyrazoles, diacylhydrazines, biological/fermentation products, and carbamates.

Claim 28 (Original): The method of claim 23, wherein said first transgenic pest resistant crop produces a Cry 1F protein and a Cry 1A(b) protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 29 (Original): The method of claim 16, wherein said transgenic pest resistant refuge crop and said transgenic pest resistant crop further contains a herbicide resistance gene selected from the group consisting of GAT and EPSPS.

Claim 30 (Original): The method of claim 23, wherein said transgenic pest resistant refuge crop and said transgenic pest resistant crop further contains a herbicide resistance gene selected from the group consisting of GAT and EPSPS.

Claim 31 (New): The method of claim 1 wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry9 protein.

Claim 32 (New): The method of claim 1 wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry9 protein.

Claim 33 (New): The method of claim 1 wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry2 protein.

Claim 34 (New): The method of claim 1 wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry2 protein.

Claim 35 (New): The method of claim 1 wherein said first transgenic pest resistant crop produces a Cry1A(b) protein and said second transgenic pest resistant crop produces a Cry2 and a Vip3A protein.

Claim 36 (New): The method of claim 1 wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry2 and a Vip3A protein.

Claim 37 (New): The method of claim 1 wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry1F and a Vip3A protein.

Claim 38 (New): The method of claim 8 wherein said first transgenic pest resistant crop produces a Cry 1F protein and a Cry 1A(b) protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 39 (New): The method of claim 8 wherein said first transgenic pest resistant crop produces a Cry 1F protein and a Cry 9 protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 40 (New): The method of claim 8 wherein said first transgenic pest resistant crop produces a Cry 1A(b) protein and a Cry IF protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 41 (New): The method of claim 8 wherein said first transgenic pest resistant crop produces a Cry 1A(b) protein and a Cry 2 protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 42 (New): The method of claim 8 wherein said first transgenic pest resistant crop produces a Cry IF protein and a Cry 2 protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 43 (New): The method of claim 8 wherein said first transgenic pest resistant crop produces a Cry 1A(b) protein, a Cry 2 protein and a Vip3A protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein..

Claim 44 (New): The method of claim 8 wherein said first transgenic pest resistant crop produces a Cry IF protein, a Cry 2 protein and a Vip3A protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 45 (New): The method of claim 16 wherein said first transgenic pest resistant crop produces a CryIF protein and said second transgenic pest resistant crop produces a Cry9 protein.

Claim 46 (New): The method of claim 16 wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry9 protein.

Claim 47 (New): The method of claim 16 wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry2 protein.

Claim 48 (New): The method of claim 16 wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry2 protein.

Claim 49 (New): The method of claim 16 wherein said first transgenic pest resistant crop produces a Cry1A(b) protein and said second transgenic pest resistant crop produces a Cry2 and a Vip3A protein.

Claim 50 (New): The method of claim 16 wherein said first transgenic pest resistant crop produces a Cry1F protein and said second transgenic pest resistant crop produces a Cry2 and a Vip3A protein.

Claim 51 (New): The method of claim 16 wherein said first transgenic pest resistant crop produces a Cry1Ab protein and said second transgenic pest resistant crop produces a Cry1F and a Vip3A protein.

Claim 52 (New): The method of claim 23 wherein said first transgenic pest resistant crop produces a Cry IF protein and a Cry 1A(b) protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 53 (New): The method of claim 23 wherein said first transgenic pest resistant crop produces a Cry IF protein and a Cry 9 protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 54 (New): The method of claim 23 wherein said first transgenic pest resistant crop produces a Cry 1A(b) protein and a Cry IF protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 55 (New): The method of claim 23 wherein said first transgenic pest resistant crop produces a Cry 1A(b) protein and a Cry 2 protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 56 (New): The method of claim 23 wherein said first transgenic pest resistant crop produces a Cry IF protein and a Cry 2 protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 57 (New): The method of claim 23 wherein said first transgenic pest resistant crop produces a Cry 1A(b) protein, a Cry 2 protein and a Vip3A protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.

Claim 58 (New): The method of claim 23 wherein said first transgenic pest resistant crop produces a Cry 1F protein, a Cry 2 protein and a Vip3A protein and said second transgenic pest resistant crop produces a Cry 34/35 protein and a Cry 3 protein.